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REMARKS/DISCUSSION OF ISSUES

Priority Claim. The Applicant thanks Examiner Baranyai for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

Specification. The Applicant has amended the specification herein to correct the format of the abstract. No new matter was introduced by the amendment of the abstract herein.

Claims. In the Non-Final Office Action, Examiner Baranyai rejected pending claims 1-16 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Baranyai rejected claims 1-7, 9, and 11-15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,111,869 to *Esmailzadeh et al.*

The Applicant has thoroughly considered Examiner Baranyai's remarks concerning the patentability of claims 1-7, 9 and 11-15 over *Esmailzadeh*. The Applicant has also thoroughly read *Esmailzadeh*. To warrant this anticipation rejection of claims 1-7, 9 and 11-15, *Esmailzadeh* must show each and every limitation of independent claims 1, 3, 9 and 11 in as complete detail as is contained in independent claims 1, 3, 9 and 11. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 1-7, 9 and 11-15, because *Esmailzadeh* fails to disclose and teaches away from the following limitations of independent claims 1, 3, 9 and 11:

1. "wherein the secondary station includes means for subsequently transmitting a contention resolution signal encoded with a second signature", and "wherein the primary station includes means

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for transmitting a further response to the contention resolution signal”
as recited in independent claim 1;

2. “means for transmitting a further response to a subsequent contention resolution signal encoded with a second signature transmitted by the secondary station” as recited in independent claim 3;

3. “means for receiving a response from the primary station and subsequently transmitting a contention resolution signal encoded with a second signature” as recited in independent claim 9; and

4. “the secondary station subsequently transmitting a contention resolution signal encoded with a second signature”, and “the primary station transmitting a further response to the contention resolution signal” as recited in independent claim 11.

As to the traversal, *Esmailzadeh* teaches away from any type of contention resolution signal and response being communicated between the secondary station and the primary station by devising a technique that omits a contention resolution phase after a transmission of an acknowledgement by the primary station is received by the secondary station. Specifically, the flowchart illustrated in FIG. 11 of *Esmailzadeh* includes a decision step 1103 for determining whether a transmission of an acknowledgement by the primary station is received by the secondary station.

If, under *Esmailzadeh*, the acknowledgement by the primary station is not received by the secondary station, then the secondary station proceeds to steps 1104 and 1102 as illustrated in FIG. 11 of *Esmailzadeh* to retransmit the request to the primary station. This is analogous to the secondary station of the present application transmitting two or more requests 202 as illustrated in FIGS. 3 and 4 of the present application due to a failure to receive an acknowledgement 204 from the primary station.

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However, if, under *Esmailzadeh*, the acknowledgement by the primary station is received by the secondary station, then the secondary station proceeds to a step 1105 as illustrated in FIG. 11 of *Esmailzadeh* to transmit data packets to the primary station in accordance with the acknowledgment without any regard to a contention resolution phase. This is not analogous to the secondary station as illustrated in FIGS. 3 and 4 of the present application, which transmits a contention request 208 and awaits a reception of contention acknowledgment 210 and control information 212 from the primary station prior to transmitting data packets 214 to the primary station.

Thus, *Esmailzadeh* clearly fails to disclose and teaches away from any type of contention resolution signal and response being communicated between the secondary station and the primary station. Withdrawal of the rejection of independent claims 1, 3, 9 and 11 under U.S.C. §102(b) as being anticipated by *Esmailzadeh* is therefore respectfully requested.

Claim 2 depends from independent claim 1. Therefore, dependent claim 2 includes all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 2 is allowable over *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Esmailzadeh*. Withdrawal of the rejection of dependent claim 2 under U.S.C. §102(b) as being anticipated by *Esmailzadeh* is therefore respectfully requested.

Claims 4-7 depend from independent claim 3. Therefore, dependent claims 4-7 include all of the elements and limitations of independent claim 3. It is therefore respectfully submitted by the Applicant that dependent claims 4-7 are allowable over *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 3 being allowable over *Esmailzadeh*. Withdrawal of the rejection of dependent claims 4-7 under §102(b) as being anticipated by *Esmailzadeh* is therefore respectfully requested.

Claims 12-15 depend from independent claim 11. Therefore, dependent claims 12-15 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 12-15 are

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allowable over *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 11 being allowable over *Esmailzadeh*. Withdrawal of the rejection of dependent claims 12-15 under U.S.C. §102(b) as being anticipated by *Esmailzadeh* is therefore respectfully requested.

- B. Examiner Baranyai rejected claims 8, 10 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,111,869 to *Esmailzadeh et al.* in view of U.S. Patent No. 6,643,275 to *Gustafsson et al.*

Claim 8 depends from independent claim 3. Therefore, dependent claim 8 includes all of the elements and limitations of independent claim 3. It is therefore respectfully submitted by the Applicant that dependent claim 8 is allowable over *Esmailzadeh* in view of *Gustafsson* for at least the same reason as set forth herein with respect to independent claim 3 being allowable over. Withdrawal of the rejection of dependent claim 8 under U.S.C. §103(a) as being unpatentable over *Esmailzadeh* in view of *Gustafsson* is therefore respectfully requested.

Claim 10 depends from independent claim 9. Therefore, dependent claim 10 includes all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claim 10 is allowable over *Esmailzadeh* in view of *Gustafsson* for at least the same reason as set forth herein with respect to independent claim 9 being allowable over. Withdrawal of the rejection of dependent claim 10 under U.S.C. §103(a) as being unpatentable over *Esmailzadeh* in view of *Gustafsson* is therefore respectfully requested.

Claim 16 depends from independent claim 11. Therefore, dependent claim 16 includes all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claim 16 is allowable over *Esmailzadeh* in view of *Gustafsson* for at least the same reason as set forth herein with respect to independent claim 11 being allowable over. Withdrawal of the rejection of dependent claim 16 under U.S.C. §103(a) as being unpatentable over *Esmailzadeh* in view of *Gustafsson* is therefore respectfully requested.

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SUMMARY

Examiner Baranyai's rejections of claims 1-16 have been obviated by the remarks herein supporting an allowance of claims 1-16 over *Esmailzadeh*. The Applicant respectfully submits that claims 1-16 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Baranyai is respectfully requested to contact the undersigned at the telephone number listed below.


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Respectfully submitted,
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